

National Environmental Policy Act (NEPA) Compliance Checklist

The National Environmental Policy Act, 42 U.S.C. §§4321-4370d (NEPA) requires, among other things, that Federal agencies consider the environmental impacts of any major Federal action. In order to implement NEPA and its associated regulations, the Grant Programs Directorate (GPD) requires grantees, pursuant to the assurances related to GPD grant programs, to submit responses to the following questions regarding proposed construction projects. Grantees are required to submit a brief explanation supporting each response of “yes” or “no”. Grantees that will undertake multiple construction projects shall submit separate responses for each project, and should consider the cumulative impact of interrelated projects.

Federal agencies may establish categories of actions that, based on experience, do not individually or cumulatively have a significant impact on the human environment and, therefore, can be excluded from NEPA requirements to prepare an Environmental Assessment or Environmental Impact Statement. DHS has adopted certain such Categorical Exclusions in DHS Management Directive 5100.1. These Categorical Exclusions, however, only apply when the entire action fits within the exclusion, the action has not been segmented (i.e., a smaller part of a larger action), and there are no extraordinary circumstances with the potential for significant impacts relating to the proposed action. The purpose of this questionnaire is to collect information from which a decision can be made whether application of a categorical exclusion is appropriate and whether further environmental analysis is required.

Grantees wishing to spend GPD funding for construction projects must contact their Preparedness Officer and submit a request for approval. Each Preparedness Officer will coordinate with GPD NEPA Compliance staff to process each request. Grantees will be required to complete the attached checklist and submit to GPD for approval prior to commencing any construction projects. If, in the course of responding to the questions, a grantee concludes that an Environmental Assessment (“EA”) under NEPA may be required for the proposed project, the grantee should submit the EA in conjunction with the responses to the questions, or as soon thereafter as possible. GPD will not approve construction projects until the NEPA compliance has been completed. GPD may independently conclude, based on its review of the responses to the questions, that an EA is required and will contact the grantee to notify them of that requirement.

Requirements on the contents of an EA can be found in regulations promulgated by the Council on Environmental Quality (CEQ) at 40 C.F.R. Part 1508 (and may be found on the web at http://ceq.eh.doe.gov/nepa/reg/ceq/toc_ceq.htm). Note that 40 C.F.R. §1508.9 indicates that the EA is a concise document. It is GPD’s intention to adhere strongly to this instruction and to require only enough analysis to accomplish the objectives specified by the regulation.

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Grantee:

Project Description:

Question	Yes	No
1. Is the project likely to have a significant impact on a district, site, highway, structure, or object that is listed in or eligible for listing in the National Registry of Historic Places, affects a historic or cultural resource or traditional and sacred sites, or the loss or destruction of a significant scientific, cultural, or historic resource?		
<u>Explanation for Question 1:</u> <div style="background-color: yellow; padding: 2px;">[Enter explanatory information here]</div>		
2. Is the project likely to have a significant effect on public health or public safety?		
<u>Explanation for Question 2:</u> <div style="background-color: yellow; padding: 2px;">[Enter explanatory information here]</div>		
3. Is the project likely to have a significant impact on species or habitats protected by the Endangered Species Act, Marine Mammal Protection Act, or Magnuson-Steven Fishery Conservation and Management Act?		
<u>Explanation for Question 3:</u> <div style="background-color: yellow; padding: 2px;">[Enter explanatory information here]</div>		
4. Is the project likely to have a significant effect on a unique characteristic of the geographical area such as park land, prime farmland, wetland, floodplain, coastal zone or a wild and scenic river, sole or principal drinking water aquifers, or an ecologically critical area?		
<u>Explanation for Question 4:</u> <div style="background-color: yellow; padding: 2px;">[Enter explanatory information here]</div>		
5. Is the project likely to violate a federal, state, or local law or administrative determination imposed for the protection of the environment? (e.g., local noise control ordinance, requirements for the control of hazardous or toxic substances)		

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Question	Yes	No
<u>Explanation for Question 5:</u> <div style="background-color: yellow; padding: 2px;">[Enter explanatory information here]</div>		
6. Is the project likely to have an effect on the quality of the human environment that is likely to be highly controversial in terms of scientific validity, likely to be highly uncertain, likely to involve unique or unknown environmental risks?		
<u>Explanation for Question 6:</u> <div style="background-color: yellow; padding: 2px;">[Enter explanatory information here].</div>		
7. Does the project involve the employment of new or unproven technology that is likely to involve unique or unknown environmental risks, where the effect on the human environment is likely to be highly uncertain, or where the effect on the human environment is likely to be highly controversial in terms of scientific validity?		
<u>Explanation for Question 7:</u> <div style="background-color: yellow; padding: 2px;">[Enter explanatory information here]</div>		
8. Will the project set a precedent that forecloses future options that may have significant effects?		
<u>Explanation for Question 8:</u> <div style="background-color: yellow; padding: 2px;">[Enter explanatory information here]</div>		
9. Is the project of significantly greater scope or size than normally experienced for a particular category of action?		
<u>Explanation for Question 9:</u> <div style="background-color: yellow; padding: 2px;">[Enter explanatory information here]</div>		
10. Does the project have the potential for significant degradation of already existing poor environmental conditions? Also, does the project involve the initiation of a potentially significant environmental degrading influence, activity, or effect in areas not already significantly modified from their natural condition?		

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Question	Yes	No
<u>Explanation for Question 10:</u> [Enter explanatory information here]		